

**IN THE UNITED STATES**

**PATENT AND TRADEMARK OFFICE**

APPLICANTS: Harlan Seymour et al.  
APPLICATION NO.: 10/802,646  
FILING DATE: March 16, 2004  
TITLE: Empirical Database Access Adjustment  
EXAMINER: Alicia M. Lewis  
GROUP ART UNIT: 2164  
ATTY. DKT. NO.: 20423-08590

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Dated: December 5, 2008

By: /Jie Zhang/

Jie Zhang, Reg. No. 60,242

**NOTICE OF APPEAL UNDER 37 CFR § 41.31**

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action dated September 17, 2008.

The Commissioner is hereby authorized to charge to Deposit Account No. 19-2555 any additional charges or fees as applicable for the payment of the filing of the Notice of Appeal and the Appeal Brief.

The Commissioner is respectfully requested to contact the undersigned should it be beneficial for advancing prosecution of the present application.

**PATENT**

Respectfully submitted,  
Harlan Seymour et al.

Dated: December 5, 2008

By: /Jie Zhang/

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